

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

JOHN ROSEMOND,

Plaintiff,

V.

JACK CONWAY, in his official capacity as
ATTORNEY GENERAL of the
COMMONWEALTH OF KENTUCKY, et
al.,

Defendants.

Civil No: 13-cv-42
GFVT

AGREED ORDER

The Plaintiff and Defendant, Jack Conway, have entered this agreed order dismissing Attorney General Jack Conway as a party from this action and jointly state the following:

Plaintiff John Rosemond is a syndicated newspaper columnist who wrote an article on February 12, 2013, titled, “Act fast, come down hard on teen underachiever” that was published in the Lexington Herald-Leader. By letter dated May 7, 2013, the Kentucky Board of Examiners of Psychology, by and through its counsel, informed the Plaintiff that KRS 319.005 restricts the practice of psychology and the use of protected words such as “psychologist” in the Commonwealth of Kentucky to only those persons credentialed by this Board. It requested the Plaintiff to voluntarily execute a Cease and Desist Affidavit and Assurance of Voluntary Compliance by May 30, 2013, which would resolve any further action by the Board. Mr. Rosemond declined to sign the Affidavit, contending that it is an affront to his First Amendment right of free speech, and brought this action.

The letter was sent by Brian Judy in his capacity as counsel for the Kentucky Board of Examiners of Psychology, and was not sent in his capacity as a representative of the Office of the Attorney General or on behalf of the Attorney General.

The Attorney General agrees not to exercise his authority pursuant to KRS 319.990 to prosecute persons who engage in the practice of psychology without being licensed by the Board until conclusion of the above-styled matter.

Accordingly, and the Court being sufficiently advised, it is hereby **ORDERED** as follows:

- (1) The Attorney General is dismissed as a party from this action, with prejudice;
- (2) The Attorney General shall not exercise his authority pursuant to KRS 319.990 against the Plaintiff until conclusion of the above-styled matter.

This 25th day of July, 2013.

SEEN AND AGREED TO BY:

/s/ Aaron Ament

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/s/ Paul M. Sherman

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*Motion for admission *pro hac vice* pending

/s/ Jeff Rowes

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